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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/867,831 | 05/30/2001 | Thomas E. Creamer | 6169-225 | 6112 |
| 40987 | 7590 | 06/16/2004 | EXAMINER | |
| AKERMAN SENTERFITT P. O. BOX 3188 WEST PALM BEACH, FL 33402-3188 | | | VAUGHN, GREGORY J | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2178 | |

DATE MAILED: 06/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-------------------------------|---|--|
| Office Action Summary | Application No. 09/867,831 | Applicant(s) CREAMER ET AL.  | |
| | Examiner Gregory J. Vaughn | Art Unit 2178 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 May 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s): _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>3, 4, 5</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Application History

1. This action is responsive to the application filing, Application filed on 5/30/2001.
2. Applicant files Information Disclosure Statements on 8/2/2001, 9/10/2001 and 12/9/2003.
3. Claims 1-8 are pending in the case, claims 1, 3, 5 and 7 are independent claims.

Drawings

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description:

- "200" on page 12, lines 24 and 27; page 13, lines 1, 3, 5, 7, 9, 11, 12, 15, 18 and 20.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

5. The disclosure is objected to because of the following informalities:
 - The disclosure recites those reference signs listed in paragraph 4 above, which are not shown in the drawings.

Appropriate correction is required.

6. The use of the following trademarks has been noted in this application:

- "Java" on page 3, lines 15, 17 and 23; page 4, line 9; page 14, line 21.

It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

"A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States."

8. Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Krishnaswamy et al. US Patent 5,999,525, filed 11/18/1996, patented 12/7/1999 (hereinafter Krishnaswamy).

9. **Regarding independent claim 1**, Krishnaswamy recites: *"send a service selection screen to the user 452. The Service Selection screen directs the user to an appropriate Application Server. The user selects the Application, but an HTML file in*

the Server Section page determines the Application Server" (column 59, line 66 to column 60, line 3) and *"The Welcome Servers serve the HTML pages described below to the user at appropriate times"* (column 61, lines 66-67). Krishnaswamy further recites: *"All services execute in common service logic execution environments (SLEEs), which do not require software changes when new services are introduced"* (column 30, lines 12-14) and *"When a SLEE is started on a Service Engine 2134, it retrieves its configuration from the database server 2182. The configuration instructs the SLEE to execute a list of services 2200. The software for these services is part of the service templates deployed on the database servers"* (column 37, lines 26-32) (compare "list of services" to "plurality of selections"). Krishnaswamy also recites: *"When the user selects a service, the selection request, with its embedded TOKEN, is sent to the appropriate Application Server. The Application Server validates the TOKEN using the Token Server 454 and, if valid, serves the request"* (column 61, lines 9-12) and *"Once all information has arrived, an event is generated to any service which has subscribed to this kind of event, and services may then operate on the data"* (column 38, lines 1-4).

10. **Regarding dependent claim 2**, Krishnaswamy recites: *"Upon successful update of the, the directory service sends a response back to the specified IP address indicating that the message was received and processed. This acknowledgment message may also contain some sort of security or encryption key to guarantee secure communication"* (column 101, lines 8-11).

11. **Regarding independent claim 3**, Krishnaswamy recites: *"send a service selection screen to the user 452. The Service Selection screen directs the user to an appropriate Application Server. The user selects the Application, but an HTML file in the Server Section page determines the Application Server"* (column 59, line 66 to column 60, line 3) and *"The Welcome Servers serve the HTML pages described below to the user at appropriate times"* (column 61, lines 66-67). Krishnaswamy further recites: *"All services execute in common service logic execution environments (SLEEs), which do not require software changes when new services are introduced"* (column 30, lines 12-14) and *"When a SLEE is started on a Service Engine 2134, it retrieves its configuration from the database server 2182. The configuration instructs the SLEE to execute a list of services 2200. The software for these services is part of the service templates deployed on the database servers"* (column 37, lines 26-32). Krishnaswamy recites: *"All resources must be able to register with the RM 2150 to enter a pool, and de-register to leave a pool"* (column 32, lines 2-3). Krishnaswamy also recites: *"When the user selects a service, the selection request, with its embedded TOKEN, is sent to the appropriate Application Server. The Application Server validates the TOKEN using the Token Server 454 and, if valid, serves the request"* (column 61, lines 9-12) and *"Once all information has arrived, an event is generated to any service which has subscribed to this kind of event, and services may then operate on the data"* (column 38, lines 1-4).
12. **Regarding dependent claim 4**, Krishnaswamy recites: *"Upon successful update of the, the directory service sends a response back to the specified IP address*

indicating that the message was received and processed. This acknowledgment message may also contain some sort of security or encryption key to guarantee secure communication" (column 101, lines 8-11).

13. **Regarding claims 5 and 6**, the claims are directed toward machine readable storage for the method of claims 1 and 2 respectively, and are rejected using the same rationale.
14. **Regarding claims 7 and 8**, the claims are directed toward machine readable storage for the method of claims 3 and 4 respectively, and are rejected using the same rationale.

Conclusion

15. The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure:


| <u>Patent/Publication</u> | <u>Date</u> | <u>Inventor</u> |
|---------------------------|-------------|--------------------------|
| • US-5,819,092 | 10-1998 | Ferguson et al. |
| • US-5,867,494 | 02-1999 | Krishnaswamy et al. |
| • US-5,867,495 | 02-1999 | Elliott et al. |
| • US-6,324,552 | 11-2001 | Chang et al. |
| • US-6,335,927 | 01-2002 | Elliott et al. |
| • US-6,434,578 | 08-2002 | McCauley et al. |
| • US-6,731,625 | 05-2004 | Eastep et al. |
| • US-2001/0056439 | 12-2001 | Carro, Fernando Incertis |
| • US-2002/0087945 | 07-2002 | Marshall et al. |
| • US-2002/0087598 | 07-2002 | Carro, Fernando Incertis |
| • US-2003/0159109 | 08-2003 | Rossmann et al. |
| • US-2004/0111669 | 06-2004 | Rossmann et al. |

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Vaughn whose telephone number is (703) 305-4672. The examiner can normally be reached Monday to Friday from 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R. Herndon can be reached at (703) 308-5186. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gregory J. Vaughn
June 14, 2004


STEPHEN S. HONG
PRIMARY EXAMINER